

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
May 16, 2001

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Mayor Neisen O. Kasdin
Vice-Mayor Luis R. Garcia, Jr.
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner David Dermer
Commissioner Nancy Liebman
Commissioner Jose Smith

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

AFTERACTION

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

CONSENT AGENDA

PA1 Cert. of Apprec./Ed Cowart & Brian Thorpe, ?At Your Service Awards? for March/April. 1
PA2 D-Cert. of Apprec./Finance Dept., Receiving Award of Excellence from the GFOA.
PA3 Proclamation/?Emergency Medical Services Week? Around the Country.
PA4 Proclamation/?National Public Works Week?, Contributions to Quality of Life. (Kasdin)
PA5 Cert. of Apprec./Code Compliance Dept., Exemplary Service for our Citizens. (Cruz)

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REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

2A Report of Itemized Revenues/Expenditures of RDA for March 31, 2001. 1
2B Monthly Report on Parking Operations, Anchor Shops & Parking for March 2001. 3

2C Status Report on South Pointe Streetscape. 7

Call to Order - 9:29 a.m.

Inspirational Message given by Rabbi Leonid Feldman

Pledge of Allegiance lead by Chief Barreto

City Clerk's note - Because of a failure of the tape recording system no tape of this meeting is available. The meeting is recorded on video tape and electronically.

PA - Presentations and Awards

PA1 Certificates of Appreciation to be Presented to Ed Cowart, Property Management and Brian Thorpe, Fire Department, in Recognition of the "At Your Service Awards" for the Month of March and April, 2001.
(City Manager's Office)

ACTION: Certificates of Appreciation presented.

Steven Zack, on behalf of Beach Bank, donated a \$100 U. S. Savings Bond to both Ed Cowart and Brian Thorpe in appreciation for receiving the "At Your Service Awards".

PA2 Certificate of Appreciation to be Presented to the Finance Department for Receiving the Award of Excellence from the Government Finance Officers Association (GFOA).
(Finance Department)

ACTION: Deferred.

PA3 Proclamation to be Presented to Emphasize "Emergency Medical Services Week" Around the Country.
(Fire Department)

ACTION: Proclamation presented.

PA4 Proclamation to be Presented in Recognition of National Public Works Week and all the Contributions which Public Works Employees Make to our Quality of Life.
(Requested by Mayor Neisen Kasdin)

ACTION: Proclamation presented.

PA5 Certificate of Appreciation to be Presented to Code Compliance Department in Recognition of their Exemplary Service to our Citizens.

(Requested by Commissioner Simon Cruz)

ACTION: Certificate of Appreciation presented.

Add on Items:

1. Certificate of Appreciation presented to Assistant City Manager Matthew Schwartz who is leaving the City.
(Requested by Commissioner David Dermer)

ACTION: Certificate of Appreciation presented.

2. Mayor Kasdin commented on the successful opening of the Bass Museum. He stated that there were close to 2,000 people who attended. It was a wonderful day for the arts in Miami Beach.

Commissioner Liebman commented on the successful ?soft? opening of the Bass Museum and stated how magnificent the building Bass Museum will be when completed. The opening is scheduled for October.

3. Vice-Mayor Garcia stated that there have been no Commission meetings in four (4) weeks; commented on the size of the Agenda; stated that meetings should be every two weeks or limit the number of agenda and that decisions are being made in a rush. Mayor Kasdin suggested that this could be discussed in a Committee of the Whole Meeting.

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Liebman; Voice vote: 7-0.

C2 - Competitive Bid Reports

C2A Commission Memorandum No. 256-01

Request for Approval to Award a Contract to Trident Surfacing, Inc., in the Amount of \$105,000, Pursuant to Bid No. 33-00/01, for Replacement of Wood Floor at the Bass Museum of Art.
(City Manager's Office)

ACTION: Award authorized. Mayra Diaz Buttacavoli to handle.

C2B Commission Memorandum No. 257-01

Request for Approval to Issue a Purchase Order to Nortrax Equipment, in the Amount of \$169,760.12, Pursuant to the General Services Administration Contract No. GS-30F-1021D for the Purchase of Two (2) John Deere 710D Backhoes.

(Fleet Management)

ACTION: Award authorized. Gus Lopez to issue a Purchase Order. Drew Terpak to handle.

C2C Commission Memorandum No. 258-01

Request for Approval to Award a Purchase Order to Atlantic Truck Center in the Amount of \$145,370 Pursuant to the State Contract No. 070-700-230 for the Purchase of Two (2) Sterling LT7500 Chassis with 14/16 Cubic Yard Dump Bodies.

(Fleet Management)

ACTION: Award authorized. Gus Lopez to issue a Purchase Order. Drew Terpak to handle.

C2D Commission Memorandum No. 259-01

Request for Approval to Issue a Purchase Order to Duval Ford in the Amount of \$54,058 Pursuant to the Florida Sheriffs Association Bid No. 00-08-0905 for the Purchase of Two (2) 2001 Ford F-350 4x2 Cab and Chassis with Utility Bodies.

(Fleet Management)

ACTION: Award authorized. Gus Lopez to issue a Purchase Order. Drew Terpak to handle.

C2E Commission Memorandum No. 260-01

Request for Approval to Issue a Purchase Order to Don Reid Ford in the Amount of \$27,194 Pursuant to the Florida Sheriffs Association Bid No. 00-08-0905 for the Purchase of Two (2) 2001 Ford Ranger 4x2 Compact Pick-Up Trucks.

(Fleet Management)

ACTION: Award authorized. Gus Lopez to issue a Purchase Order. Drew Terpak to handle.

C2F Commission Memorandum No. 261-01

Request for Approval to Issue a Purchase Order to Gus Machado Ford in the Amount of \$94,490.02 Pursuant to the Miami-Dade County Bid No. 5204-00/01-CW for the Purchase of Four (4) Ford F-250 4x2 Cab and Chassis with Utility Bodies.

(Fleet Management)

ACTION: Award authorized. Gus Lopez to issue a Purchase Order. Drew Terpak to handle.

C2G Commission Memorandum No. 262-01

Request for Approval to Issue a Purchase Order to Duval Ford in the Amount of \$21,043 Pursuant to the Florida Sheriffs Bid No. 00-08-0905 for the Purchase of One (1) Ford E250 Cargo Van.
(Fleet Management)

ACTION: Award authorized. Gus Lopez to issue a Purchase Order. Drew Terpak to handle.

C4 - Commission Committee Assignments

C4A Commission Memorandum No. 263-01

Referral to the Finance and Citywide Projects Committee - Discussion Regarding the City's Financing Strategies.

(Finance Department)

ACTION: Referred. Patricia Walker to place on committee agenda.

C4B Referral to the Finance and Citywide Projects Committee Discussion Regarding the Reduction of Parking Permit Rates for the Hotel Employees of the Mid-Beach Area.

(Requested by Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Referred. Patricia Walker to place on committee agenda.

C4C Referral to the Transportation and Parking and/or Safety Committee - Discussion Regarding Safety Concerns on Mid-Beach from 46th - 59th Streets and Collins Avenue.

(Requested by Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Referred. Joseph Johnson to place on Transportation and Parking committee agenda.

C4D Commission Memorandum No. 264-01

Referral to the Land Use and Development Committee for a Discussion Amending the Art in Public Places Ordinance to Exempt All City Boards from Overriding Public Art Recommendations After the Selection Process Has Been Completed.

(Arts, Culture & Entertainment)

ACTION: Referred. Jorge Gomez to place on committee agenda. James Quinlan to handle.

C4E Commission Memorandum No. 265-01

Referral to the Marine Authority, Land Use Committee, Beach Preservation Committee, and Business Resolution Task Force Regarding the Moratorium on Watersport Related Beachfront Concessions.
(Community/Economic Development)

ACTION: Referred. Jorge Gomez, Bruce Henderson, Eric Wardle, Christina Cuervo to coordinate a meeting with their committee. Joe Damien to present the materials to each committee.

C4F Referral to the Planning Board - Consider Rezoning the Property Located at the North East Corner of Collins Avenue and 76th Street to Residential Office
(Requested by Mayor Neisen Kasdin)

ACTION: Referred. Jorge Gomez to place on committee agenda.

C7 - Resolutions

C7A Commission Memorandum No. 266-01

A Resolution Urging President George W. Bush, Lieutenant General Robert B. Flowers, the United States Congress, Governor Jeb Bush, and the State of Florida Legislature to Reject the Proposed Policy Change to the Federal Cost Sharing Program for Beach Renourishment in the Fiscal Year 2002 Budget for the Civil Works Program of the Army Corps of Engineers.
(Requested by Mayor Neisen Kasdin)

ACTION: Resolution No. 2001-24350 adopted. R. Parcher to transmit the Resolution.

C7B Commission Memorandum No. 267-01

A Resolution Adding to the City's Federal Legislative Agenda Support for the Governor of Florida's Opposition to the Federal Government's Auction of Six Million Acres for Oil/Gas Drilling.
(Requested by Mayor Neisen Kasdin)

ACTION: Resolution No. 2001-24351 adopted. Christina Cuervo to forward to Jorden Burt, the City's Federal lobbyist.

C7C Commission Memorandum No. 268-01

A Resolution Approving and Authorizing the Placement of Thirty (30) Banners for the Miami Beach World Music Festival in Miami Beach, to Be Held June 1, 2001, to June 15, 2001; as Requested by the Applicant at the Following Locations: Macarthur Causeway, Between the Miami Beach City Limit and Alton Road; 5th Street, Between Alton Road and Ocean Drive; Collins Avenue, Between 9th and 17th Street; Alton Road, Between 12th and 17th Street; Washington Avenue, Between 7th and 15th Street; Said Banners to Be Affixed to Light Poles in the Public Right-of-Way, Measuring 3 Feet x 6 Feet and Having Copy and Design as Shown on the Attached Drawings, to Be Installed and Removed in Accordance with All Other Applicable City Requirements; the Administration Further Recommends That These Banners Be Installed No Earlier than May 18, 2001, and Removed by June 18, 2001.

(Arts, Culture & Entertainment)

ACTION: Resolution No. 2001-24352 adopted. James Quinlan to handle.

C7D Commission Memorandum No. 269-01

A Resolution Retroactively Approving and Authorizing the Placement of Twenty-Five (25) Banners for the Miami Gay and Lesbian Film Festival, in Miami Beach from April 26, 2001 to May 5, 2001, as Requested by the Applicant at the Following Locations: Macarthur Causeway, from the Miami Beach City Limits to Alton Road; Alton Road, from 5th to 17th Street; Said Banners to Be Affixed to Light Poles in the Public Right-of-Way; Measuring 3 Feet x 7 Feet and Having a Copy and Design as Shown on the Attached Drawing; Shall Be Installed and Removed in Accordance with All Other Applicable City Requirements; the Administration Further Recommends That These Banners Be Installed No Earlier than April 24, 2001, and Removed by May 7, 2001.

(Arts, Culture & Entertainment)

ACTION: Resolution No. 2001-24353 adopted. James Quinlan to handle.

C7E Commission Memorandum No. 270-01

A Resolution Approving and Authorizing the Placement of Eighty (80) Banners for Festival Season 2001, to Be Held May 21, 2001, to September 21, 2001, as Requested by the Applicant at the Following Locations: Macarthur Causeway, Between the Coast Guard Station and Alton Road; 5th Street, Between Alton Road and Ocean Drive; Collins Avenue, Between 43rd and 62nd Street; Collins Avenue, Between 71st and 87th Street; Harding Avenue, Between 73rd and 87th Street; Abbott Avenue, Between 69th and 73rd Street; Arthur Godfrey 941 Street, Between Alton Road and Pine Tree Drive; Convention Center Drive, Between 17th Street and Dade Boulevard; Washington Avenue, Between Lincoln Road and Dade Boulevard; Dade Boulevard, Between Washington Avenue and Alton Road; Said Banners to Be Affixed to Light Poles in the Public Right-of-Way, Measuring 3 Feet X 7 Feet and Having Copy and Design as Shown on the Attached Drawings; to Be Installed and Removed in Accordance with All Other Applicable City Requirements; the Administration Further Recommends That These Banners Be Installed No Earlier than May 18, 2001, and Removed by September 28, 2001.

(Arts, Culture & Entertainment)

ACTION: Withdrawn by the Administration.

C7F Commission Memorandum No. 271-01

A Resolution Accepting the Recommendation of the City Manager Pertaining to the Ranking of the Proposals Received in Response to Request for Proposals (RFP) No. 83-/99-00, to Provide for Structural Plan Review Services, and Authorizing the Administration to Enter into Negotiations and Contract, in an Estimated Annual Amount of \$90,000, with the Most Qualified Firm of Siddiq Khan & Associates, Inc.

(Building Department)

ACTION: Resolution No. 2001-24354 adopted. Phil Azan to handle.

C7G Commission Memorandum No. 272-01

A Resolution Approving the Settlement of Code Enforcement Liens on the Properties Owned by Joiveca Corporation Located at 4360 Collins Avenue, 4370 Collins Avenue, 4381 Indian Creek Drive, and the Adjoining Easement to All of the Above Referenced Properties, and Further, Authorizing the Mayor and City Clerk to Execute Any and All Documents Necessary to Effectuate the Settlement.

(City Attorney's Office)

ACTION: See Supplemental Materials. Resolution No. 2001-24355 adopted as amended. R. Parcher and Legal Department to handle.

C7H Commission Memorandum No. 273-01

A Resolution Approving the Settlement of Code Enforcement Liens on the Property Owned by Congregation Beth Tfilah, (Rabbi Stern) Located at 935 Euclid Avenue, Miami Beach, Florida, and Further Authorizing the Mayor and the City Clerk to Execute Any and All Documents Necessary to Effectuate the Settlement.

(City Attorney's Office)

ACTION: Resolution No. 2001-24356 adopted. R. Parcher and Legal Department to handle.

C7I Commission Memorandum No. 274-01

A Resolution Setting a Public Hearing to Consider Amendments to the Miami Beach Land Development Regulations Amending Chapter 130, "Off-Street Parking," Section 130-69.5, "Additional Requirements," to Clarify the Requirements for Parking Garages or Lots Desiring to Operate Past Midnight; Amending Chapter 118, Article IV, "Conditional Use Procedure," Section 118-194, "Compliance with Conditions," and Article VIII, "Procedure for Variances and Administrative Appeals," Section 118-356, "Revocation or Modification of Variance," to Amend the Procedures Applicable to Planning Board and Board of Adjustment Revocation or Modification of Conditional Use Approvals or Variances Where the Applicant Exhibits Repeated or Intermittent Noncompliance with the Conditions of Such Approvals; and Amending Chapter 118, Article X, Historic Preservation, Section 118-503, "Scope and Exemptions," and Section 118-561, "General Requirements," to Clarify That Certificates of Appropriateness Are Required Prior to Any Temporary or Permanent Modification to a Building or Site.

(City Attorney's Office)

ACTION: Resolution No. 2001-24357 adopted. R. Parcher to notice. Judy Hoanshelt to place on agenda. Jorge Gomez to handle.

C7J Commission Memorandum No. 275-01

A Resolution Appropriating and Authorizing the City Manager to Utilize \$25,000 From Budgeted FY 2001 Resort Tax Funds for Costs Associated with Hosting the "La Cumbre" Conference, to Be Held in Miami Beach on September 5 Through September 7, 2001.

(Community/Economic Development)

ACTION: Withdrawn by the Administration.

C7K Commission Memorandum No. 276-01

A Resolution Approving and Authorizing the City Manager to Issue a Certification of Consistency with the City's Consolidated Plan to the Housing Authority of the City of Miami Beach to Utilize Funds Provided Directly by the U.S. Department of Housing and Urban Development to Provide Operational and Supportive Services to the Proposed Single Parent Family Housing and Resource Center, to be Located at 321-327 Michigan Avenue, Miami Beach.

(Community/Economic Development)

ACTION: Resolution No. 2001-24358 adopted. Miguell Del Campillo to handle.

C7L Commission Memorandum No. 277-01

A Resolution Approving and Authorizing the City Manager to Issue Certifications of Consistency with the City's Consolidated Plan to Douglas Gardens Community Mental Health Center of Miami Beach, Inc. To Utilize Funds Provided Directly by the U.S. Department of Housing and Urban Development to Continue Providing Housing to Formerly Homeless Persons with Disabilities at the Mayfair Hotel, 1960 Park Avenue, Miami Beach, to Continue Providing Case Management Services to Formerly Homeless Persons, and to Continue to Operate and Enhance a Scattered Site Housing Program and Supportive Services for Formerly Homeless Persons in Miami Beach.

(Community/Economic Development)

ACTION: Resolution No. 2001-24359 adopted. Miguell Del Campillo to handle.

C7M Commission Memorandum No. 278-01

A Resolution Approving and Authorizing the City Manager to Issue a Certification of Consistency with the City's Consolidated Plan to Community Resource Connections, Inc. To Utilize Funds Provided Directly by the U.S. Department of Housing and Urban Development to Provide Supportive Services to Formerly Homeless Individuals at Sunsouth Place, 530 Meridian Avenue, Miami Beach.

(Community/Economic Development)

ACTION: Resolution No. 2001-24360 adopted. Miguell Del Campillo to handle.

C7N Commission Memorandum No. 279-01

A Resolution Authorizing the Mayor and City Clerk to Execute the Attached Multi-Family Housing Rehabilitation Program Matching Grant Agreement with the Florida Fair Housing Corporation in the Amount of \$105,000 in Community Development Block Grant (CDBG) Program Funds Through the Multi-Family Housing Rehabilitation Program for the Rehabilitation of the Property Located at 1945 Calais Drive, Miami Beach, to Provide Six (6) Rental Units for Income-Eligible Tenants for Five Years.

(Community/Economic Development)

ACTION: Resolution No. 2001-24361 adopted. Miguell Del Campillo to handle.

5:01 pm.

C7O Commission Memorandum No. 280-01

A Resolution Approving and Authorizing the City Manager to Issue a Certification of Consistency with the City's Consolidated Plan to the Housing Authority of the City of Miami Beach for Their Five Year Plan for Fiscal Years 2001/02-2005/06 and Their Annual Plan for Fiscal Year 2001/02, to Be Submitted by the Housing Authority to the U.S. Department of Housing and Urban Development (U.S. HUD).

(Community/Economic Development)

ACTION: Separated for discussion by Commissioner Liebman. Discussed held in conjunction with item R9K/R9K1.

Murray Dubbin stated that what concerns him is the specific reference to the conversion of a portion of Rebecca Towers to an assisted living facility. He stated that the City Commission does not have the authority to make the change and suggested that the document be returned to the Authority and request they modify the language.

Motion made by Commissioner Smith to return the item to the Housing Authority to modify the language by removing the reference to ACLF at Rebecca Towers; seconded by Commissioner Liebman; Voice vote: 7-0. Miguell Del Campillo to handle.

C7P Commission Memorandum No. 281-01

A Resolution Establishing May 2001 as "Older Americans Month" in the City of Miami Beach.

(Community/Economic Development)

ACTION: Resolution No. 2001-24362 adopted. Miguell Del Campillo to handle.

C7Q Commission Memorandum No. 282-01

A Resolution Appropriating Funds, in the Amount of \$38,000, from the \$92 Million General Obligation Bond Series 2000 Fund No. 378; Authorizing the Issuance of a Purchase Order to Safety Equipment, in the Amount of \$38,000, Pursuant to City of Hollywood, Bid No. 3486, for the Purchase of Two (2) Eagle Imager II Microbolometer Thermal Imaging Cameras.

(Fire Department)

ACTION: Resolution No. 2001-24363 adopted. Patricia Walker to appropriate \$38,000. Gus Lopez to issue a Purchase Order. Chief Jordan to handle.

C7R Commission Memorandum No. 283-01

A Resolution Authorizing the City Manager to Sign All Contracts, Agreements, Purchase Orders and Change Orders Required to Make Preparations Before and Clean-Up Efforts After Storms During the 2001 Hurricane Season in the Interest of the Health, Safety and Welfare of Citizens and Employees of the City of Miami Beach.
(Fire Department)

ACTION: Resolution No. 2001-24364 adopted. Chief Jordan, Patricia Walker, and Gus Lopez to handle.

C7S Commission Memorandum No. 284-01

A Resolution Authorizing the Issuance of Request for Proposals (RFP), for Providing a Handheld Computer Inspection System to Interact with the City's ?Permits Plus? Application, and to Provide the Ability to Record the Results of Each Inspection on the Handheld Computer, and to Upload Inspection Results into the ?Permits Plus? System.

(Information Technology)

ACTION: Resolution No. 2001-24365 adopted. Gus Lopez to issue RFP.

C7T Commission Memorandum No. 285-01

A Resolution Authorizing the Issuance of a Request for Proposals (RFP) for Providing Parking Meter Expanded Housings and Electronic Locking Systems for the City's Parking System.
(Parking Department)

ACTION: Resolution No. 2001-24366 adopted. Gus Lopez to issue RFP.

C7U Commission Memorandum No. 286-01

A Resolution Setting Public Hearings to Consider Proposed Amendments to the Official Zoning District Map, Referenced in Section 142-72 of the Code of the City of Miami Beach, Florida, by Changing the Zoning District Classification for those Ten Areas Identified in the Chart Below and the Maps Attached to this Resolution; by Amending the Affected Portions of the City's Official Zoning District Map to Reflect the Changes Reflected Below and Attached.

(Planning Department)

ACTION: Resolution No. 2001-24367 adopted. R. Parcher to notice. Jorge Gomez to handle.

C7V Commission Memorandum No. 287-01

A Resolution Accepting the Award of a Grant, in the Amount of \$240,000, for the Period of May 1, 2001, to January 31, 2002, from the United States Department of Justice, High Intensity Drug Trafficking Program (HIDTA), for the Administration and Operation of a New Multi-Agency Anti-Drug Task Force; Further Authorizing the Mayor and City Clerk to Execute All Appropriate Contracts and Authorizing the Budgeting and Expenditure of Grant Funds.

(Police Department)

ACTION: Resolution No. 2001-24368 adopted. Chief Barreto and Patricia Walker to handle.

C7W Commission Memorandum No. 288-01

A Resolution Endorsing the Concept of the "Amber Alert" Program which Requires Timely Public Notice of Child Abductions and Encouraging the Law Enforcement Agencies of Miami-Dade County and Its Incorporated Municipalities to Review the Program and Other Similar Programs for Potential Implementation; Further Directing the City Clerk to Transmit a Copy of this Resolution to the Officials Designated Herein; Providing for an Effective Date

(Requested by Mayor Neisen Kasdin)

(Deferred from April 18, 2001)

ACTION: Resolution No. 2001-24369 adopted. Chief Barreto to handle. R. Parcher to transmit a copy of the Resolution to Mayor Alex Penelas, all members of the Board of County Commissioners of Miami-Dade County, Miami-Dade County Manager Steve Shiver, the Mayor of each municipality in Miami-Dade County, and the Miami-Dade League of Cities, Inc.

C7X Commission Memorandum No. 289-01

A Resolution Retroactively Authorizing the Filing of an Application for a Grant, and If Funded, Authorizing the Budgeting and Expenditure of Funds, in the Amount of \$541,826, under the United States Department of Justice, "Cops in School" Grant Program.

(Police Department)

ACTION: Resolution No. 2001-24370 adopted. Chief Barreto and Patricia Walker to handle.

C7Y Commission Memorandum No. 290-01

A Resolution Appropriating \$200,000 from the \$92 Million G.O. Bond-Series 2000, Fund No. 374, to Provide for Roof Repairs, Garage Door Replacements, Hurricane Shutters, and Interior ADA Modifications for the Support Services Facility at Fire Station No. 2, as Outlined in the General Obligation Bond Program.

(Property Management)

ACTION: Resolution No. 2001-24371 adopted. Patricia Walker to appropriate \$200,000.

C7Z Commission Memorandum No. 291-01

A Resolution Appropriating Funds in the Amount of \$200,000, from the \$92 Million General Obligation Bond - Series 2000, Fund No. 373, for the Construction of the La Gorce Island Enhancements Project, within the La Gorce Neighborhood Improvements Outlined in the General Obligation Bond Project Program List.

(Public Works)

ACTION: Resolution No. 2001-24372 adopted. Patricia Walker to appropriate \$200,000.

C7AA Commission Memorandum No. 292-01

A Resolution Appropriating \$85,000 from the General Obligation Bond Funds 373 to Provide Landscaping Improvements and to Construct an Additional Third Lane at the 29th Street Entrance to Sunset Islands I & II and a Median Strip to Accommodate a Kiosk to Be Erected and Maintained by the Sunset Islands I & II Homeowner's Association at its Expense.

(Public Works)

ACTION: Resolution No. 2001-24373 adopted. Patricia Walker to appropriate \$85,000.

C7BB Commission Memorandum No. 293-01

Resolution Retroactively Approving the Administration's Submission of a Grant Application, in the Amount of \$125,000, to the Metropolitan Planning Organization (MPO), Under the State of Florida's Year 2002-03 County Incentives Grant Program (CIGP); the Application Being for the Replacement of Four Traffic Signal Heads on SR 907/Alton Road in South Beach, Estimated to Cost Approximately \$250,000; the Project Being Listed in Both the Miami Beach Municipal Mobility Plan and Comprehensive Plan; Stating That the Required Fifty Percent Local Match Would Be Provided by Concurrency Mitigation Funds; and Further Appropriating Both the City and State Funds, if/when the Grant is Awarded.

(Transportation/Concurrency Management)

ACTION: Resolution No. 2001-24374 adopted. Joseph Johnson to handle. Patricia Walker to appropriate the money if awarded.

C7CC Commission Memorandum No. 294-01

A Resolution Requesting that the City and Miami-Dade County Exercise the Second One-Year Option Term to Renew that Certain Interlocal Agreement Between the County and the City of Miami Beach, for the Provision of Public Transportation Services, Dated March 13, 1998, Said Amendment to Permit the Operation of the Electrowave Shuttle Service in South Beach for One Additional Year, Until March 13, 2002, as Established by the Agreement.

(Transportation/Concurrency Management)

ACTION: Resolution No. 2001-24375 adopted. Joseph Johnson to handle.

C7DD Commission Memorandum No. 295-01

A Resolution Authorizing the City Manager, or His Designee, to Submit an Application to the Florida Department of State, Division of Historical Resources, for a Historic Preservation Special Categories Grant, in the Amount of \$275,000, for Structural Renovations to the Flagler Memorial, and Utilizing \$142,500 in Funds Previously Appropriated, for the Re-Landscaping of Monument Island as Matching Funds, Further Appropriating the Funds, If Awarded.

(City Manager's Office)

ACTION: Resolution No. 2001-24376 adopted. Christina Cuervo to handle. Patricia Walker to appropriate \$275,000 if awarded.

8:47 pm

C7EE Commission Memorandum No. 296-01

A Resolution Granting a Certificate of Appropriateness for Demolition in Order to Demolish the Existing Beachfront Restroom Facility Located East of Collins Avenue at 21st Street, in Accordance with Section 118-563(I) of the Land Development Regulations of the Code of the City of Miami Beach, as Amended by Ordinance 2000-3262 on July 26, 2000.

(Public Works)

ACTION: Separated for discussion by Commissioner Liebman. Discussion held.

Resolution No. 2001-24377 adopted as amended. Motion made by Commissioner Liebman to grant a Certificate of Appropriateness for Demolition of not only the 21st Street restrooms but also the 29th Street restrooms; Seconded by Commissioner Smith with the amendment that the Administration needs to study the need for a restroom and where to place it; Voice Vote: 3-1; Opposed: Commissioner Bower; Absent: Mayor Kasdin, Vice-Mayor Garcia and Commissioner Cruz. Robert Middaugh, Brad Judd, and Bruce Henderson to handle.

Commissioner Bower stated that she feels it is not correct to circumvent the Historic Preservation Board.

Commissioner Liebman stated that the City Code was amended to grant the authority to the City Commission to issue Certificate of Appropriateness for Demolition.

C7FF Commission Memorandum No. 297-01

A Resolution Approving Appropriation of \$63,000, and Further Authorizing the Mayor and City Clerk to Execute a Professional Services Agreement with the Firm of STA Architectural Group, in the Amount of \$63,000 for a Master Plan and Project Study, in Addition to the Architectural and Engineering Services for a Portion of the Scope of Work Described in the General Obligation Bond Program, for the Rehabilitation and/or Restoration of the 10th Street Auditorium/Beach Patrol Headquarters.

(Public Works)

(Agreement To Be Submitted)

ACTION: See Supplemental Materials. **Resolution No. 2001-24378 adopted.** Robert Middaugh, Mayra Diaz Buttacavoli, and Jorge Chartrand to handle. Patricia Walker to appropriate \$63,000.

Agreement submitted with Supplemental materials.

C7GG Commission Memorandum No. 327-01

A Resolution Retroactively Approving Request for Change Order No. 1 with Regosa Engineering Inc. in the Amount of \$53,500, for the Provision of Labor, Materials, Equipment, and Services Necessary to Install New Electrical Services to the Flamingo Park Tennis Center, the Boys and Girls Club Building and the Flamingo Park Promenade; and Appropriating Funds, in the Total Amount of \$53,500, from the Flamingo Park General Obligation (GO) Bond Fund (Phase II) Included in the \$92 Million General Obligation (GO) Bond, Series 2000, Fund Number 374 to Pay for the Additional Work; and Further Increasing the Time Allowed Under the Contract by Five (5) Calendar Days to Complete the Additional Work.

(Public Works)

ACTION: Resolution No. 2001-24379 adopted. Robert Middaugh to handle. Patricia Walker to appropriate \$53,500.

End of Consent Agenda

Emergency Item:

Commissioner Dermer requested the following item be placed on the Agenda as an emergency item.

Motion made by Commissioner Bower to add the following resolution to the Agenda as an emergency item; seconded by Commission Smith; Voice vote: 7-0.

A Resolution acknowledging and supporting the vital public service that local low power television stations provide to the citizens of Miami Beach and Miami-Dade County overall; further finding that, in the interest of keeping the low power television stations broadcasting on the air, the Mayor and City Commission urges the City Administration, in its ongoing negotiations regarding the proposed transfer of the City's Cable Franchise Agreement with Interlink Communications Partner, LLC D/B/A Charter Communications, Inc. to AT&T Broadband, and that to the extent legally possible, that it urge the cable franchisee to continue the same (or lower) monthly carriage rates, so as to allow these low powered television stations to continue to broadcast.

Resolution No. 2001-24399 adopted. Motion to adopt the resolution made by Commissioner Bower; Seconded by Commissioner Dermer; Voice vote: 7-0. R. Parcher to transmit the resolution to AT&T. Christina Cuervo to transmit to City's Federal Lobbyists.

City Clerk's note: cross-reference cable channel 41 / Federal Lobbyists Jorden Burt

REGULAR AGENDA**R2 - Competitive Bid Reports**

8:44 pm

R2A Commission Memorandum No. 298-01

Request for Approval to Issue a Purchase Order to Milliken/Sylvan Chemical Company, in the Amount of \$1,069,900, Pursuant to the State of Florida Contract No. 360-240-00-1, for the Replacement of Carpeting at the Miami Beach Convention Center.

(Convention Center)

ACTION: Award approved. Motion made by Commissioner Liebman; Seconded by Commissioner Smith; Voice vote: 4-0; Absent: Mayor Kasdin, Vice-Mayor Garcia and Commissioner Cruz. Gus Lopez to issue Purchase Order. Mayra Diaz Buttacavoli to handle.

R5 - Ordinances

11:16 am

R5A Commission Memorandum No. 299-01

An Ordinance Amending Ordinance No. 789, the Classified Employees Salary Ordinance, by Deleting Section 1 of Ordinance No. 789, as Amended by Ordinance 2000-3251 and Substituting Therefor a New Section 1, Increasing the Minimum and the Maximum of the Salary Range by 3.25% for Group VI of the Classified Employees, for those Classifications in Group VI, Being in the Classified Service, Effective with the Pay Period Beginning April 23, 2001; Providing for a Repealer, Severability, Codification, and Effective Dates. **10:30 a.m. Second Reading, Public Hearing**

(Human Resources)

(First Reading April 18, 2001)

ACTION: Public Hearing held. **Ordinance Number 2001-3304 adopted.** Motion made by Commissioner Bower; Seconded by Commissioner Cruz; Ballot vote: 6-0; Absent: Vice-Mayor Garcia. R. Parcher to forward to Municipal Code. T.C. Adderly to handle.

11:18 am.

R5B Commission Memorandum No. 300-01

An Ordinance Amending Ordinance No. 1605, the Unclassified Employees Salary Ordinance, by Deleting Sections 1 and 2 of Ordinance No. 1605, as Amended by Ordinance 2000-3252 and Substituting therefor a New Section 1, Increasing the Minimum and the Maximum of the Salary Range by 3.25% for the Unclassified Employees Effective with the Pay Period Beginning April 23, 2001; Providing for a Repealer, Severability, Codification, and Effective Dates. **10:45 a.m. Second Reading, Public Hearing**

(Human Resources)

(First Reading April 18, 2001)

ACTION: Public Hearing held. **Ordinance Number 2001-3305 adopted.** Motion made by Commissioner Bower; Seconded by Commissioner Cruz; Ballot vote: 6-0; Absent: Vice-Mayor Garcia. R. Parcher to forward to Municipal Code. T.C. Adderly to handle.

Commissioner Bower clarified that this action would allow for a similar COLA for the City Attorney and his office, and the City Manager and his office.

11:29 am.

R5C Commission Memorandum No. 301-01

An Ordinance Relating to Communications Facilities in Public Rights-of-Way; Providing for Title; Providing for Intent and Purpose; Providing for Definitions; Providing for Registration for Placing or Maintaining Communications Facilities in Public Rights-of-Way; Providing for Notice for Transfer, Sale or Assignment of Assets in Public Rights-of-Way; Providing for Placement or Maintenance of a Communications Facility in Public Rights-of-Way; Providing for Suspension of Permits; Providing for Appeals; Providing for Involuntary Termination of Registration; Providing for Existing Communications Facilities in Public Rights-of-Way; Providing for Insurance; Providing for Indemnification; Providing for Construction Bond; Providing for Security Fund; Providing for Enforcement Remedies; Providing for Abandonment of a Communications Facility; Providing for Force Majeure; Providing for Reservation of Rights and Remedies; Establishing the Rate of the Communications Services Tax; Repealing All Ordinances and Resolutions in Conflict Herewith; Providing for Severability; Providing for Codification; and Providing for an Effective Date. **11:00 a.m. Second Reading, Public Hearing**

(City Attorney's Office)
(First Reading April 18, 2001)

ACTION: Public Hearing held. **Ordinance Number 2001-3306 adopted as amended.** Motion made by Commissioner Liebman; Seconded by Commissioner Smith; Ballot vote: 7-0 R. Parcher to forward to Municipal Code. Tim Hemstreet and Legal Department to handle.

First Assistant City Attorney, Lawrence Levy, presented the item.

Commissioner Liebman asked if the City determines where the equipment should be placed on the public right-of-way. Larry Levy, Assistant City Attorney, stated that is subject to practical engineering constraints.

Commissioner Liebman stated that Public Works needs to be aware of this ordinance and develop the procedures necessary to protect the public rights-of-way. Michael Alvarez to handle.

Commissioner Bower stated that there should be procedures in place. Jorge Gonzalez, City Manager, stated that the Administration will develop the necessary procedures.

Amendment read into the record by Larry Levy.

1. Sec 104-3. ?Cable Service?? The term includes point-to-point and point-to-multipoint .?
2. Section 104-19(a) ?....base rate of 5.10% established by Sections 202.19 and 202.20, Florida Statutes ?.
3. Sec 104-19, Section 3. ?All ordinances, resolutions or parts thereof in conflict herewith be and the same are hereby repealed, including, but not limited to, the definitions of ?Telecommunication Services, ?Telecommunications Service Provider,? and ?Taxable Telecommunications Service? in Sections 102-151,

the entirety of Sections 153 and 154 and conflicting references to telecommunications in Section 155 of the Miami Beach Code.?

New Item:

Mayor Kasdin and Jorge Gonzalez introduced and welcomed Tim Hemstreet, Special Assistant to the City Manager to the City.

8:40 pm

R5D Commission Memorandum No. 302-0

Designation of the Pinetree Drive Historic Roadway as an Historic Site

An Ordinance Amending the Land Development Regulations of the Miami Beach City Code; by Amending Section 118-593(e), Entitled "Delineation on Zoning Map" by Designating a Portion of the Public Right-of-Way of Pinetree Drive as an Historic Site to Be Known as the "Pinetree Drive Historic Roadway," Generally from 30th Street to 46th Street, as More Particularly Described in the Ordinance; Providing That the City's Zoning Map Shall Be Amended to Indicate That Portion of Pinetree Drive as an Historic Site; Adopting the Designation Report Attached as Appendix "A"; Providing for Inclusion in the Land Development Regulations of the City Code, Repealer, Severability, and an Effective Date.

5:01 a.m. Second Reading, Public Hearing

(Planning Department)

(First Reading April 18, 2001)

ACTION: Motion made by Commissioner Liebman to open and continue the Public Hearing to June 6, 2001 at 5:01 pm; Seconded by Commissioner Bower: Voice Vote: 4-0; Absent: Mayor Kasdin; Vice-Mayor Garcia and Commissioner Cruz. Judy Hoanshelt to place on the agenda. Jorge Gomez to handle.

City Clerk's Note: This item contains the Pinetree Drive Historic Roadway, Miami Beach Historic Site, Designation Report prepared by the City of Miami Beach Planning Department, February 29, 2001; revised March 27, 2001.

12:04 am.

R5E Commission Memorandum No. 303-01

Fence Heights for City Parks

An Ordinance Amending the Land Development Regulations of the Code of the City of Miami Beach, Florida, Amending Chapter 142, "Zoning Districts and Regulations," Article IV, "Supplementary District Regulations," Division 4, "Supplementary Yard Regulations," Section 142-1132, "Allowable Encroachments," Subsection (H), "Fences, Walls, and Gates," to Modify the Height and Setbacks for Fences Surrounding Public Facilities in GU and CCC Districts, Providing for Inclusion in the Code of the City of Miami Beach, Florida; Repealer; Severability; and an Effective Date. **First Reading**
(Planning Department)

ACTION: Discussion held. Ordinance approved on first reading. Motion made by Commissioner Cruz; Seconded by Commissioner Smith; Ballot vote: 7-0; Second Reading and Public Hearing scheduled for June 6, 2001. R. Parcher to notice. Judy Hoanshelt to place on agenda. Jorge Gomez to handle.

Mayor Kasdin expressed concern about masonry fences and/or solid fences. He asked if the legislation could restrict fences to see-through fences only. Jorge Gomez explained that this was discussed by the Planning Board and it was envisioned that the fences would be metal picket or see-through material. On second reading language will be added to limit to see-through fences. Jorge Gomez to handle.

Commissioner Bower expressed her concern with fences installed on the property line. She asked if there could be a set back between the property line and the fence so that plants or a hedge could be planted. She stated that the fence at Flamingo Park is a good example. The fence is set back from the sidewalk and there is foliage planted there.

Kevin Smith, Recreation Director, stated that the planting will be inside the fence rather than outside. Administration to research and respond at the second reading. Kevin Smith to handle.

12:16 am.

R5F Commission Memorandum No. 304-01

An Ordinance Amending Chapter 110 of the Miami Beach City Code Entitled ?Utilities?, Amending Subsection 110-166, Entitled ?Schedule of Water Rates and Tapping Charges? by Adding to Subsection 110-166 (C) Thereof the Option of ?Budget Billing? of Owners or Consumers of Water and Sewer at Single-Family Residences; Providing for Repealer, Severability, Codification, and an Effective Date. **First Reading**

(Finance Department)

ACTION: Discussion held. Ordinance approved on first reading. Motion made by Vice-Mayor Garcia; Seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Smith; Second Reading and Public Hearing scheduled on June 6, 2001. R. Parcher to notice. Judy Hoanshelt to place on agenda. Patricia Walker to handle.

Vice-Mayor Garcia thanked the Administration for acting so expeditiously in implementing this program.

Vice-Mayor Garcia requested that the pilot program be advertised on Channel 20. Nannette Rodriguez and Michael Vita to coordinate publicity.

12:26 am.

R5G Commission Memorandum No. 305-0

An Ordinance Amending Section 82-587 of the City Code, to Require a Contribution for the Art in Public Places Program from Joint Public/Private Projects, Excluding Not for Profit; Repealing All Ordinances and Resolutions in Conflict Herewith; Providing for Severability; Providing for Codification; and Providing for an Effective Date. **First Reading**

(Arts, Culture & Entertainment)

ACTION: Discussion held. Ordinance approved on first reading as amended. Motion made by Commissioner Liebman; Seconded by Commissioner Bower; Ballot vote: 7-0; Second Reading and Public Hearing scheduled on June 6, 2001. R. Parcher to notice. Judy Hoanshelt to place on agenda. James Quinlan to handle.

Amendment:

1. Section 82-587 (b) ? person or entity other than the city. This subsection shall not apply to not-for-profit persons or entities recognized under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose total construction budgets are less than \$8 million.?

R5H Commission Memorandum No. 306-01

An Ordinance Amending Chapter 82 of the Miami Beach City Code Entitled "Public Property" by Amending Section 82-412 Thereof Entitled "Posting of Signs on Utility Company Property or Public Property Prohibited; Enforcement; Fines; Appeal"; by Amending Subsection (A) Thereof to Clarify that the Owners and/or Benefactors of Prohibited Signs Shall be Subject to the Enforcement Procedures of Said Section; Providing for Codification, Repealer, Severability, and an Effective Date.

(City Attorney's Office)

ACTION: Withdrawn by the Administration.

R6 - Commission Committee Reports**R6A Commission Memorandum No. 307-01**

Report of the Community Affairs Committee Meeting of March 19, 2001: **1)** Discussion Regarding the Adoption of Special Events Policies and Procedures; **2)** Request to Honor Michael Graves for His Outstanding Achievements in the Preservation and Enhancement of the Miami Beach Historical District.

ACTION: Not reached. Judy Hoanshelt to place on June 6 agenda.

R6B Commission Memorandum No. 308-01

Report of the Community Affairs Committee Meeting of April 9, 2001: **1)** Discussion Regarding the Appropriate Utilization of Government Cable Channel 20; **2)** Discussion Regarding Honoring the Late Mr. Jerome Greene.

ACTION: Not reached. Judy Hoanshelt to place on June 6 agenda.

R6C Commission Memorandum No. 309-01

Report of the Finance and Citywide Projects Committee Meeting of March 20, 2001: **1)** Bass Museum Status; **2)** Citizen/Staff Task Force on Group Insurance; **3)** Sources for the Cultural Arts Council (CAC); **4)** Discussion on the Establishment of an Ordinance to Form an Enterprise Zone.

ACTION: Not reached. Judy Hoanshelt to place on June 6 agenda.

R6D Commission Memorandum No. 310-01

Report of the Joint Land Use and Development and Finance and Citywide Capital Projects Committee Meeting of April 9, 2001: **1)** Review of a Proposed Ordinance with Regard to the Use of the Public Rights-of-Way by Communications Services Providers.

ACTION: Not reached. Judy Hoanshelt to place on June 6 agenda.

R6E Commission Memorandum No. 311-01

Report of the G.O. Bond Oversight Committee Meeting of April 2, 2001: **1)** Progress Status Report; **2)** Report from Hazen and Sawyer; **3)** Recommendation to Appropriate Funds for Washington Avenue Improvements; **4)** Review of Scopes of Work/Sample Contract and Recommendation to Appropriate Funding for Architectural and Engineering Firms for Group I and II Streetscapes (Oceanfront, Islands, Bayshore, Normandy Shores, Nautilus, Normandy Isle and West Avenue/Bay Road); **5)** Recommendation to Appropriate Funds for La Gorce Island Improvements; **6)** Recommendation to Appropriate \$175,000 from Street End Project for Replacement of Restroom at 29th Street; **7)** Indian Creek Greenway Presentation; **8)** Amendment to the Cone of Silence Ordinance.

ACTION: Not reached. Judy Hoanshelt to place on June 6 agenda.

R6F Verbal Report of the G.O. Bond Oversight Committee Meeting of May 14, 2001: 1) Projects Status Report; 2) Report from Hazen and Sawyer; 3) Capital Improvement Projects Report; 4) Report on Matching Funds for Streetscape Projects; 5) Fire Station No. 4 Report; 6) Status of Program/Construction Management/Services for Parks and Facilities; 7) Status Report Regarding Capital Improvements Office and Staffing; 8) Review of Upcoming City Commission G.O. Bond Project Items.

ACTION: Not reached. Judy Hoanshelt to place on June 6 agenda.

8:43 pm

R6G Verbal Report of the Joint Community Affairs and Finance and Citywide Projects Committee Meeting of May 14, 2001: **1)** Discussion and Direction of the Proposed Guidelines Establishing Rental Fee Waivers Requested by Qualified Groups, Organizations or Other Users of the Miami Beach Parks and Recreation Department's Parks and Recreation Facilities; **2)** A Resolution Authorizing the Administration to Issue a Request for Proposals (RFP) to Provide Comprehensive Professional Tennis Management and Operations Services at the City's Flamingo Park and/or North Shore Park Tennis Centers; **3)** Consider Appropriating \$1,415,000 in Available City Center Tax Increment Revenues to Fund the Estimated Shortfall in the Development Budget for the Expansion and Renovation of the Colony Theater; **4)** Consider an Amendment in the Amount of \$61,436 to the Professional Services Agreement between the City of Miami Beach and the State of Florida, Department of Management Services, for Construction Management of the Expansion and Renovation of the Colony Theater, for a Total Amended Contract Amount of \$111,336, in Accordance with the Provisions Set Forth in the Agreement; **5)** A Resolution Authorizing the Mayor and City Clerk to Execute a Professional Services Agreement with Adshel, Inc., Pursuant to Request for Proposals (RFP) No. 112-99/00, to Construct, Operate and Maintain Directory Structures in the Lincoln Road Area, Providing Directory Information, Location Maps and Offering Advertising Space for Commercial Use, and Fabricate and Install Street Signs and Block Number Signs at Intersections Along Lincoln Road; and **6)** A Resolution Adopting the Recommendation of the Convention Center Capital Projects Oversight Committee (CCCPOC) to Authorize That the Interest from the Remaining Uncommitted and/or Unappropriated Monies (Said Funds Estimated at \$11,910,717) from the Interlocal Cooperation Agreement Between the City and Miami-Dade County, Regarding the Disposition of the Two-Thirds(2/3rds) Portion of the Convention Development Tax Be set Aside and Appropriated into a Separate Account, to be Established by the City and Maintained for Additional Capital Improvements related to the Miami Beach Convention Center (MBCC) and the Jackie Gleason Theater of the Performing Arts (TOPA): Provided That the Convention Center Capital Projects Oversight Committee Shall Make a Recommendation as to Any Proposed Improvements, Said Recommendation to Be Advisory Only, Prior to Said Improvement Projects Being Brought to the City Commission

ACTION: Verbal report given by Commissioner Bower on item 2 only.

Item #1: Item deferred.

Item #2: Motion made by Commissioner Liebman to accept the report with the condition that the Administration will come back with creative options; Seconded by Commissioner Dermer; Voice vote: 4-0; Absent: Mayor Kasdin, Vice-Mayor Garcia, and Commissioner Cruz. Kevin Smith to handle.

Handout:

1. Letter from Debra Leibowitz faxed to Max Sklar, dated May 16, 2001 RE: Item R6G
2. Written Report of the meeting.
3. Fax from Amy Agnoli, Esquire, to Lily, assistant, Clerk of Miami Beach, dated May 16, 2001, RE: Reminder to Commissioners

R7 - Resolutions**11:47 am.****R7A Commission Memorandum No. 312-01**

A Resolution Authorizing the Mayor and City Clerk to Execute a Lease Agreement Between the City of Miami Beach and the Concert Association of Florida, Inc., for the Use of Office Space on the Fifth Floor of Historic City Hall, Located at 1130 Washington Avenue, Miami Beach, Florida, for a Five Year Term, Commencing on August 1, 2001, and Ending on July 31, 2006; and Further Waiving, by 5/7ths Vote, the Competitive Bidding and Appraisal Requirements, as Set Forth in Section 82-39 of the Miami Beach City Code, Finding Such Waiver to be in the Best Interest of the City. 11:15 a.m. Public Hearing

(Community/Economic Development)

ACTION: Public Hearing held. **Resolution No. 2001-24380 adopted as amended.** Motion made by Commissioner Liebman; Seconded by Commissioner Bower; Voice vote: 7-0; Joe Damien to handle.

Amendment:

Add this sentence to Section 2: ?CAM costs shall be adjusted annually to reflect the actual prorated share of the Operating Expenses in the event that costs associated with the maintenance and operation of the Premises increases.?

12:00 pm**R7B Commission Memorandum No. 313-01**

A Resolution Authorizing the Mayor and City Clerk to Execute a New Lease Agreement Between the City of Miami Beach and the Administrative Office of the Courts, Eleventh Judicial Circuit, Domestic Violence Intake Unit, for the Use of Office Space on a Portion of the Third Floor of Historic City Hall, Located at 1130 Washington Avenue, Miami Beach, Florida, for a One Year Term, Commencing on June 1, 2001, and Ending on May 31, 2002, with Four One Year Renewal Options; Further Waiving, by 5/7ths Vote, the Competitive Bidding and Appraisal Requirements, as Set Forth in Section 82-39 of the Miami Beach City Code, Finding Such Waiver to be in the Best Interest of the City. 11:30 a.m. Public Hearing

(Community/Economic Development)

ACTION: Public Hearing held. **Resolution No. 2001-24381 adopted as amended.** Motion made by Commissioner Bower; Seconded by Commissioner Liebman; Voice vote: 7-0; Joe Damien to handle.

Amendment:

Add this sentence to Section 2: ?CAM costs shall be adjusted annually to reflect the actual prorated share of the Operating Expenses in the event that costs associated with the maintenance and operation of the Premises increases.?

5:21 pm.

R7C Commission Memorandum No. 314-01

A Resolution Accepting the Recommendation of the City Manager Pertaining to the Ranking of the Proposals Received in Response to Request For Qualifications (RFQ) No. 10-00/01, to Provide Urban Design, Landscape Architecture, and Engineering Services for Planning, Design, and Construction Administration Services for Streetscape, and Utility Improvements, With Regard to **North Shore Neighborhood**; Authorizing the Administration to Enter Into Negotiations With the Top Ranked Firm of The Corradino Group; And If Unsuccessful in Negotiating a Contract With The Most Qualified Firm, Authorizing The Administration to Negotiate a Contract With The Second Most Qualified Firm, Civil Works; And If Unsuccessful in Negotiating a Contract With The Second Most Qualified Firm, Authorizing The Administration to Negotiate a Contract With The Third Most Qualified Firm, Schimpler, Mirson, American.

(City Manager's Office)

ACTION: Resolution No. 2001-24382 adopted as amended. Motion made by Vice-Mayor Garcia; Seconded by Commissioner Smith; Voice vote: 7-0. Robert Middaugh to handle.

Civil Works and The Corradino Group gave presentations.

Michael Larkin, Attorney for Civil Works.

Linda Bell, President and majority owner of Civil Works made the presentation.

Joe Corradino from The Corradino Group made the presentation.

Rolando Llanes, Vice President and Director of Architecture for the Corradino Group.

Amendment:

Page one of the resolution needs to be changed: 4 whereas North Shore Neighborhood:

Top ranked firm: ~~The Corradino Group~~ Civil Works

Second ranked firm: ~~Civil Works~~ The Corradino Group

Third ranked firm: Schimpler, Mirson, American

Handout:

1. Booklet presented by Mr. Michael Larkin, titled: Civil Works Inc., Presentation to The City of Miami Beach for the North Shore Neighborhood Improvements

6:10 pm

R7D Commission Memorandum No. 315-01

A Resolution Accepting the Recommendation of the City Manager Pertaining to the Ranking of the Proposals Received in Response to Request For Qualifications (RFQ) No. 10-00/01, to Provide Urban Design, Landscape Architecture, and Engineering Services for Planning, Design, and Construction Administration Services for Streetscape, and Utility Improvements, With Regard to **Biscayne Point**; Authorizing the Administration to Enter Into Negotiations With The Top Ranked Firm of Civil Works; And If Unsuccessful in Negotiating a Contract With the Most Qualified Firm, Authorizing the Administration to Negotiate a Contract With the Second Most Qualified Firm, The Corradino Group; and If Unsuccessful in Negotiating a Contract With The Second Most Qualified Firm, Authorizing the Administration to Negotiate a Contract With the Third Most Qualified Firm, Post Buckley (PBS&J).

(City Manager's Office)

ACTION: Resolution No. 2001-24383 adopted. Motion made by Commissioner Bower; Seconded by Commissioner Smith; Voice vote: 7-0. Robert Middaugh to handle.

6:12 pm

R7E Commission Memorandum No. 316-0

1. A Resolution Approving and Authorizing the Mayor and City Clerk to Execute an Agreement Between the City of Miami Beach and **EDAW, Inc.**, Pursuant to Request for Qualifications (RFQ) 134-99/00, to Provide Professional Services for the **Oceanfront Neighborhood Streetscape** for Urban Design, Landscape Architecture and Engineering Services for the Planning, Design, Preparation of Construction Documents, Assistance with Bidding, and Construction Administration for a Fee Not to Exceed \$307,690; and Appropriating for the Oceanfront Neighborhood Streetscapes Project: \$307,690 from the Series 2000 General Obligation Bond Fund, for Said Project.

ACTION: Resolution No. 2001-24384 adopted. Motion made by Commissioner Bower; Seconded by Commissioner Smith; Voice vote: 7-0. Robert Middaugh to handle. Patricia Walker to appropriate the funds.

2. A Resolution Approving and Authorizing the Mayor and City Clerk to Execute an Agreement Between the City of Miami Beach and EDAW, Inc., Pursuant to Request for Qualifications (RFQ) 134-99/00, to Provide Professional Services for the **Star, Palm and Hibiscus Island Neighborhood Streetscape Project** for Urban Design, Landscape Architecture and Engineering Services for the Planning, Design, Preparation of Construction Documents, Assistance with Bidding, Construction Administration and Utility Improvements for a Fee Not to Exceed \$300,096; and Appropriating for the Star, Palm and Hibiscus Islands Neighborhood Streetscape Project \$55,195 from Series 2000 General Obligation Bond Fund, \$65,980 from the Series 2000 Water and Sewer Revenue Bond Fund, \$178,921 from the Series 2000 Stormwater Revenue Bond Fund, for Said Projects.

(Public Works)

ACTION: Resolution No. 2001-24385 adopted. See motion and vote above. Robert Middaugh to handle. Patricia Walker to appropriate the funds.

6:12 pm

R7F Commission Memorandum No. 317-0

1. A Resolution Approving and Authorizing the Mayor and City Clerk to Execute an Agreement Between the City of Miami Beach and CH2M Hill, Inc., Pursuant to Request for Qualifications (RFQ) 134-99/00, to Provide Professional Services for the Normandy Shores Neighborhood Streetscape for Urban Design, Landscape Architecture and Engineering Services for the Planning, Design, Preparation of Construction Documents, Assistance with Bidding, and Construction Administration for a Fee Not to Exceed \$620,800; and Appropriating for the Normandy Shores Neighborhood Streetscapes Project: \$247,968 from the Series 2000 General Obligation Bond Fund, \$111,954 from the Series 2000 Water and Sewer Revenue Bond Fund, and \$260,878 from the Series 2000 Stormwater Revenue Bond Fund, for Said Project.

ACTION: Resolution No. 2001-24386 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0; Robert Middaugh to handle. Patricia Walker to appropriate the funds.

2. A Resolution Approving and Authorizing the Mayor and City Clerk to Execute an Agreement Between the City of Miami Beach and CH2M Hill, Inc., Pursuant to Request for Qualifications (RFQ) 134-99/00, to Provide Professional Services for the Bayshore/Sunset Islands Neighborhood Streetscape - Urban Design, Landscape Architecture and Engineering Services for the Planning, for a Fee Not to Exceed \$133,174; and Appropriating for the Bayshore/Sunset Islands Neighborhood Streetscape Project \$44,391 from Series 2000 General Obligation Bond Fund, and \$44,391 from the Series 2000 Water and Sewer Revenue Bond Fund, and \$44,392 from the Series 2000 Stormwater Revenue Bond Fund, for Said Project.

(Public Works)

ACTION: Resolution No. 2001-24387 adopted. See motion and vote above. Robert Middaugh to handle. Patricia Walker to appropriate the funds.

6:13 pm

R7G Commission Memorandum No. 318-01

A Resolution Approving and Authorizing the Mayor and City Clerk to Execute an Agreement Between the City of Miami Beach and Glatting Jackson Kercher Anglin Lopez Rinehart, Pursuant to Request for Qualifications (RFQ) 7-00/01, to Provide Professional Services for the **West Avenue/Bay Road Neighborhood Streetscape Project** for Urban Design, Landscape Architecture and Engineering Services for the Planning, Design, Preparation of Construction Documents, Assistance with Bidding, and Construction Administration, for a Fee Not to Exceed \$231,444; and Appropriating \$130,003 from the Series 2000 General Obligation Bond Fund and \$101,441 from the Series 2000 Stormwater Revenue Bond Fund, for Said Project.

(Public Works)

ACTION: Resolution No. 2001-24388 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 7-0; Robert Middaugh to handle. Patricia Walker to appropriate the funds.

6:13 pm

R7H Commission Memorandum No. 319-01

A Resolution Approving and Authorizing the Mayor and City Clerk to Execute an Agreement Between the City of Miami Beach and Reynolds, Smith and Hills, Inc., Pursuant to Request for Qualifications (RFQ) 7-00/01, to Provide Professional Services for the **Nautilus Neighborhood Streetscape and Utility Improvement Project** for Urban Design, Landscape Architecture and Engineering Services for the Planning, Design, Preparation of Construction Documents, Assistance with Bidding, and Construction Administration, for a Fee Not to Exceed \$744,071; and Appropriating \$354,078 from Series 2000 General Obligation Bond Fund, \$175,650 from the Series 2000 Water and Sewer Revenue Bond Fund, and \$214,343 from the Series 2000 Stormwater Revenue Bond Fund, for Said Project.

(Public Works)

ACTION: Resolution No. 2001-24389 adopted. Motion made by Commissioner Smith; Seconded by Commissioner Bower; Voice vote: 7-0; Robert Middaugh to handle. Patricia Walker to appropriate the funds.

8:45 pm

R7I Commission Memorandum No. 320-01

A Resolution Accepting the Recommendation of the City Manager Pertaining to the Ranking of Proposals Received in Response to Request for Proposals (RFP) No. 24-00/01, to Conduct the City of Miami Beach Parking Study; Authorizing the Administration to Enter Into Negotiations with the Top Ranked Firm of Walker Parking Consultants; and if Unsuccessful in Negotiating a Contract With the Most Qualified Firm, Authorizing the Administration to Negotiate a Contract with the Second Most Qualified Firm, HNTB Corporation; and if Unsuccessful in Negotiating a Contract With the Second Most Qualified Firm, Authorizing the Administration to Negotiate a Contract with the Third Most Qualified Firm, Urbitran Associates, Inc.; Further Authorizing the City Manager to Issue a Notice to Proceed to Walker Parking Consultants Upon Successful Negotiations for the North Beach Component of the Parking Study.

(Parking Department)

ACTION: Resolution No. 2001-24390 adopted. Motion made by Commissioner Liebman; Seconded by Commissioner Smith; Voice vote: 4-0; Absent: Mayor Kasdin, Vice-Mayor Garcia and Commissioner Cruz. Christina Cuervo and Saul Frances to handle.

City Clerk's note: Once the Administration has successfully negotiated an agreement, the Administration is authorized to proceed with the North Beach component. The remaining areas of the City will be scheduled for approval at another Commission Meeting.

10:20 am

R7J Commission Memorandum No. 321-01

A Resolution Approving the First of Three One (1) Year Renewal Options to the Agreement with Apcoa/Standard - VIP's Parking System to Supply Parking Cashiers/Attendants and Supervisors for the City's Parking System; Said One Year Option; Commencing on August 4, 2001, and Expiring on August 3, 2002; Further Approving an Amendment to Section Three of the Agreement, Entitled "Compensation", Increasing the Hourly Fixed Fee by Five Percent (5%) for Parking Cashiers/Attendants and Supervisors
(Parking Department)

ACTION: Resolution No. 2001-24391 adopted. Motion made by Commissioner Bower; Seconded by Commissioner Cruz; Voice vote: 7-0. Saul Frances to handle.

Motion made by Commissioner Bower; Seconded by Commissioner Cruz to adopt the resolution.

Discussion held regarding this contracts being in compliance with the Living Wage Ordinance.

Motion made by Commissioner Cruz to approve the resolution and refer to the Finance and Citywide Projects Committee the budget the impact to implement the Living Wage Ordinance provision in future years.

Motion made by Commissioner Dermer to defer and send to the Finance and Citywide Projects Committee; Seconded by Commissioner Smith; Ballot vote: 2-5; Opposed: Mayor Kasdin, Vice Mayor Garcia, and Commissioners Bower, Cruz, and Liebman. Motion failed.

Discussion continued. Voice vote on the main motion to adopt the Administration's recommendation (Voice vote: 7-0).

Commissioner Cruz withdrew his motion to refer.

Motion made by Commissioner Bower to refer the Living Wage Ordinance to the Finance and Citywide Projects Committee; Seconded by Commissioner Liebman to include all contract renewals; Voice Vote: 7-0. Patricia Walker to place on the agenda. Mayra Diaz Buttacavoli and Gus Lopez to handle.

Commissioner Smith does not agree that the City should assume the total burden of complying with the living wage ordinance. The company should compensate for part of that difference. He recommends to refer the issue to the Finance Committee.

R7J continued 3:19 pm

Motion made by Commissioner Dermer to reconsider the vote on R7J; Seconded by Vice-Mayor Garcia; Ballot vote: 3-4; Opposed: Mayor Kasdin, Commissioners Bower, Cruz, and Liebman. Motion to reconsider failed.

Handout:

1. Voting Ballot on the motion to defer.
2. Voting Ballot on the motion to reconsider the vote on the main motion.

12:10 am.

R7K Commission Memorandum No. 322-0

A Resolution Approving the Purchase of Flood Insurance, All Risk Property Insurance (Including Windstorm), and Boiler/Machinery Insurance for City Buildings and Contents, for a Combined Annual Premium of \$1,237,158 (Net of Broker Commissions), for a One-Year Period as Proposed by Arthur J. Gallagher & Co., the City's Broker of Record.

(Risk Management)

ACTION: Resolution No. 2001-24392 adopted. Motion made by Commissioner Bower; Seconded by Commissioner Liebman; Voice vote: 6-0; Absent: Commissioner Dermer. Cliff Leonard to handle.

6:15 pm.

R7L Commission Memorandum No. 323-01

A Resolution Authorizing the City Manager to Approve the Five-Year Renewal Option to the Agreement with Volume Services America for Exclusive Food and Beverage Services at the Miami Beach Convention Center and the Jackie Gleason Theater of the Performing Arts; Said Renewal Option to Be Exercised Subject to and Contingent upon the Following Conditions: Volume Services America Shall Provide the City with an Additional \$350,000 in Commission Revenue from the Microsoft Global Briefing Conference, to Be Held at the Miami Beach Convention Center July 7-17, 2001; the Commission Rate in the Agreement Shall Be Increased Generating an Additional \$3,008,300 in Commission Revenue; Volume Services America Shall Make a Capital Investment to the Miami Beach Convention Center and the Jackie Gleason Theater of the Performing Arts of \$1,250,000; and Shall Make a Commitment to Enhance Services and Interest in Our Community Through the Establishment of a Scholarship Program; Said Five-Year Renewal Option Commencing on March 1, 2002, and Ending on February 28, 2007.

(City Manager's Office)

ACTION: Resolution No. 2001-24393 adopted as amended. Motion made by Commissioner Bower; seconded by Vice-Mayor Garcia; Voice vote: 7-0; Mayra Diaz Buttacavoli to handle.

Commissioner Bower congratulated the City Manager and his staff on the \$100,000 scholarship added to this contract.

Commissioner Smith congratulated the Administration on the foresight of including the scholarship in the contract, but would like the scholarship criteria expanded to make sure it is used for the needy minority students living in Miami Beach who attend Miami Beach schools and to include the Hospitality Industry in addition to the Food Industry. He would also like the Kiwanis Club to handle this scholarship.

Commissioner Bower suggested that the Committee for Quality Education be involved in addition to the Kiwanis Club.

Commissioner Bower wants to clarify that this will not compete with any of the hotels. City Manager Jorge Gonzalez explained that there is a clause in the contract that prohibits this.

Commissioner Smith stated that TOPA continues to have problems with the food selection and difficult in getting food because of the lines. C. T. Nice, Senior Vice President, Volume Services America stated that because of infrastructure problems this has been an ongoing problem. Money has been put into a capital budget which will allow for infrastructure modifications to remedy the problems.

Amendments:

1. Volume Services America will allow for a waiver and allow products which they do not provide to be provided by outside vendors.
2. Scholarship criteria expanded to make sure it is used for the needy minority students living in Miami Beach who

attend Miami Beach schools and to include the hospitality industry in addition to the food industry.

City Clerk's note: Cross reference: Service America

6:30 pm.

R7M Commission Memorandum No. 324-01

A Resolution Accepting the Administration's Recommendations, as Set Forth in this Resolution, and Approving an Amendment to the Booking Policy for the Miami Beach Convention Center Clarifying Designation of First Priority Status, Discretion Concerning the Above, and Non-Substantive Form Revisions; Further Authorizing the Administration to Retain a Consultant and Develop a Methodology for Verification of Hotel Room Nights by Non-Convention Events Seeking First Priority Status at the Convention Center.

(City Manager's Office)

ACTION: Resolution No. 2001-24394 adopted. Motion made by Commissioner Smith to adopt the Administration's recommendation; Seconded by Commissioner Liebman; Voice vote: 4-3; Opposed: Vice-Mayor Garcia, Commissioner Bower and Cruz. Mayra Diaz Buttacavoli to handle.

Mr. Stu Blumberg spoke.

Mr. William D, Talbert, III spoke.

Mr. Joe Fontana, Chairman of the Miami Beach Convention Center Advisory Board, spoke.

Mr. Bob Goodman spoke.

Commissioner Dermer feels there should be some objective criteria developed so that the City Manager can make consistent and fair decisions.

Mayor Kasdin wants guidelines incorporated as an amendment to this resolution.

Administration and Legal to come back with standards and/or objective criteria to assist the City Manager in evaluating and recommending variances to the policy. Mayra Diaz Buttacavoli to handle.

City Clerk's Note: Included with this item is a copy of the Miami Beach Convention Center Booking Policies

8:20 pm.

R7N Commission Memorandum No. 325-01

A Resolution Approving Amendment No. One to the 1996 Interlocal Agreement Between the City of Miami Beach and Miami-Dade County with Respect to the Convention Development Tax, the Performing Arts Center and Other Issues

(City Manager's Office)

ACTION: See Supplemental Materials. **Resolution No. 2001-24395 adopted.** Motion made by Commissioner Cruz; Seconded by Vice-Mayor Garcia; Voice vote: 4-3; Opposed: Commissioners Dermer, Liebman and Smith. Christina Cuervo to handle.

Commissioner Smith feels the agreement has a poison pill relative to Miami Beach supporting the baseball stadium.

Commissioner Liebman finds it difficult to allow the baseball because we need to have the money.

Commissioner Dermer feels the same as Commissioner Smith. He cannot agree with this contract.

Mr. Rebak, attorney representing the City, spoke.

Handout:

1. Document titled: ?Proposed Amendment to the 1996 Interlocal Agreement between the City of Miami Beach and Miami-Dade County?

City Clerk's Note: See Miami-Dade County Resolution R-452-01

8:42 pm

R7O Commission Memorandum No. 326-01

A Resolution Appropriating \$652,513.50 in City of Miami Beach Quality of Life/Resort Tax Funding from Fiscal Year 1999/2000 (Less \$32,625.68 of Administrative Charges to North Beach Development Corporation) for Improvements in the North Beach Community, and Reallocating \$162,627.08 in Prior Years' Quality of Life Funding, in the Amounts of \$34,057.50 from Fiscal Year 96/97; \$50,000 from Fiscal Year 97/98; and \$78,569.58 from Fiscal Year 98/99; Totaling \$782,514.91 for the Purpose of Funding Tourism Oriented Projects in the North Beach Area.

(City Manager's Office)

ACTION: Resolution No. 2001-24396 adopted. Motion made by Commissioner Liebman; Seconded by Commissioner Dermer; Voice vote: 4-0; Absent: Mayor Kasdin, Vice-Mayor Garcia, and Commissioner Cruz. Patricia Walker to handle.

R7P Commission Memorandum No. 328-01

A Resolution Repealing City of Miami Beach Resolution No. 2000-24103, which Resolution Granted in Part an After-the-Fact Revocable Permit to Mr. Robert Swedroe Concerning the Streetend of 78th Street, East of Atlantic Way, Adjacent to Mr. Swedroe's Property Located at 7747 Atlantic Way.

(City Attorney's Office)

ACTION: Resolution No. 2001-24397 adopted. Motion made by Commissioner Smith; Seconded by Commissioner Liebman; Voice vote: 4-0; Absent: Mayor Kasdin, Vice-Mayor Garcia, and Commissioner Cruz. Legal Department to handle.

R9 - New Business and Commission Requests

R9A Commission Memorandum No. 329-01

Board and Committee Appointments.

(City Clerk's Office)

ACTION: Appointments made:

Debarment Committee:

Bryon Richard	Term expires 12/31/2002	appointed by Commissioner Dermer
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Police Citizens Relations Committee:

Keith Hartley	Term expires 12/31/2002	appointed by Commissioner Liebman
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Safety Committee:

Antonio Purrinos	Term expires 12/31/2001	appointed by Commissioner Cruz
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Miami Beach Commission on the Status of Women:

Ida Percal	Term expires 12/31/2002	appointed by Commissioner Garcia
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Beach Preservation Committee:

Clotilde Luce	Term expires 12/31/2002	appointed by Commissioner Smith
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R9A1 Commission Memorandum No. 330-01

Health Advisory Committee/Appointments.

(Risk Management)

(Deferred from April 18, 2001)

ACTION: Motion made by Commissioner Liebman; Seconded by Commissioner Smith; Voice vote: 4-0;
Absent: Commissioners Dermer, Cruz and Mayor Kasdin. Cliff Leonard to handle.

The following individuals were re-appointed:

Joyce Galbut, Administrator, South Shore Hospital

Term expires 12/31/2002

Bruce M. Perry, CEO, Mount Sinai Medical Center

Term expires 12/31/2002

Jamie S. Barkin, Physician, Mount Sinai Medical Center

Term expires 12/31/2002

Oscar D. Canas, CEO, Stanley C. Myers Community Health Center, Inc.

Term expires 12/31/2002

Zalman H. Bacheikov, D.D.S.

Term expires 12/31/2002

Orlando Alvarez

Term expires 12/31/2002

R9A2 Discussion Regarding Appointment of James Clearwater to the Art in Public Places Committee.

(Requested by Commissioner Nancy Liebman)

(Deferred from April 18, 2001)

ACTION: Not reached.

3:00 pm

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION:

1 Joe Fontana: Spoke about the 400 flags placed throughout the city for Armed Forces Day and for all future holidays. He thanked Administration and specifically Property Management for their help. He commended the City of Miami Beach and the Commission for their patriotism.

2 Bernie Ruder: President of the F.O.P. A) He was pleased to announce that the differences in negotiating an agreement were resolved and that they had agreed on the majority of the issues.

B) He thanked Donald DeLucca, Assistant Chief of Police, The City Manager, Mary Greenwood and her staff, the Mayor and Commissioners for their efforts.

3 Bea Kalstein: She spoke about the tearing of the sidewalk on 41St between Pine Tree Dr. and Alton Road. There was nothing wrong with the sidewalk. The contract was given to somebody who has always had problems with the City. The street and the sidewalk are uneven and there are puddles when it rains. Michael Alvarez to handle.

Handout:

1. Speakers List

7:31 pm

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION:

1. Joe McManus, chief steward of CWA. A) Spoke about the presence of all the employees at the meeting which is an expression of solidarity and concern for the delay in reaching an agreement. B) Stated that the Living Wage Ordinance is a progressive and compassionate piece of legislation and CWA applauds the Commission for it. C) Emphasized that the City can give the members of CWA a decent collective bargaining agreement.

2. Don De La Rotunda, CWA representative and bargaining chairman for CWA local 3178. A) Spoke on how, since the expiration of the current contract on 9/30/00, they have not been able to bargain in part due to the lack of effort from the City's team and the difficulty in scheduling and cancellation of meetings. B) Spoke on the following three items 1) The City cannot hire qualified employees in certain classifications and has had to go to CWA and do "side agreements" to increase the starting wages on some classifications. 2) CWA members pay higher insurance premiums. 3) The increase on the pension contributions from 8% to 10% without an increase in benefits.

Commissioner Cruz asked what divisions or departments does CWA represents. CWA represents Public Works Employees, at the yard, clerical and in administration, Building Maintenance, Code Enforcement, civilians in the Police Department, Beach Patrol and trades employees. CWA has a bargaining unit of about 400+ employees in the City of Miami Beach.

3. Larry Jessup, Economic consultant for CWA, spoke on the economics of the contracts. He gave the Commission a handout which recaps the main issues of :

- 1) Across-the-board increases with equity among all bargaining units.
- 2) The phasing out of the "B Plan" during the life of this contract.
- 3) Change the Pay Plan Structure to increase the spread between steps, so that there will be more 4% increases between steps.

4. Howard Susskind, attorney for CWA, spoke on: A) The current litigation going on due to the increase to the pension contribution to 10% without an increase in benefits. B) The pension is over funded by \$48M. C) He hopes the City will negotiate a fair contract that will make the litigation go away. D) They want the same rules for everyone. He stated that for CWA employees the second tier pay plan still exist.

5. Barry Capretta, health insurance consultant for CWA spoke on? A) Having the same benefits as police and fire. B) CWA wants to go on their own with the health insurance. C) CWA wants to design their own plan and decide their retirement coverage and contributions. D) The Humana plan has had a negative effect on

CWA members. E) Spoke on the difficulties with city staff in trying to negotiate this contract.

6. Richard McKinnon, President of CWA, spoke on: A) CWA feeling that the City is not bargaining in good faith. B) Mentioned the State Statute which states that the Chief Executive Officer of the union shall consult the representative body of the employees. C) Suggested that the Commission hold another Executive Session before their bargaining session on 5/25. He wants the Commission to share their views with the City Manager so that all future negotiations reflect this clarified view of the Commission.

ALTON ROAD:

1. **Jim Schlobohm**, Past President of the Alton Road Homeowner Association, stated that because of an error made by city staff, he believes the \$3.2 million for the traffic calming designated for Alton Road does not exist. He requested that this issue be taken very seriously and to help find the funds. He spoke for Paul Haag regarding FDOT Safety Projects at Mt. Sinai.

Item referred. Motion made by Commissioner Cruz to refer this item to the Finance and Citywide Projects Committee; Seconded by Commissioner Bower; No actual vote taken. Patricia Walker to place on committee agenda. Joseph Johnson to handle.

2. **Joseph Johnson** explained the issue of the funds. \$4M is for projects 14 and 24 taken from the Municipal Mobility Plan. The \$3.2 M exists, but somehow the message was conveyed incorrectly to the homeowners. The results of a traffic analysis study are forthcoming, and results will determine if we have enough funds for a traffic calming solution for Alton Road.
3. Speaker William Cueto spoke about FDOT and the 63rd Street flyover issues.

Motion made by Commissioner Liebman directing the Administration to meet with FDOT and neighbors on all City FDOT projects; Seconded by Commissioner Bower; Voice vote: 7-0. Joseph Johnson to handle. Administration to invite Mr. Jose Abreu, District IV, Director, FDOT.

5. Speaker Regina Suarez complained about the traffic and speeders on Alton Road and stated how risky it is for adults and children alike. She added that at peak hours she cannot get out of her house on time due to the congested traffic.

Handout:

1. Speakers List
2. Report from C.W.A. Local 3178, Miami Beach City Commission Presentation May 16, 2001
3. Jim Schlobohm - Letter from the Alton Road Homeowners Association, dated September 6, 2000 to Jorge Gonzalez. Attached to the letter is a list of Project Name and Description (Alton Road Enhancements), and a letter from Gold & Beller, P.A., stating the demands of the Alton Road Homeowners Association.

R9C Presentation by the Orange Bowl Committee on the 2001 Orange Bowl Game.
(Requested by Mayor Neisen Kasdin)

ACTION: Presentation made by Steven Zack on behalf of the Orange Bowl Committee. Mr. Zack outlined some of the benefits which are derived from the Orange Bowl festivities and specifically some of the events held in the Miami Beach area . On behalf of the Orange Bowl Committee he presented the Mayor and each Commissioner with a framed panoramic view of the Orange Bowl. A video clip was shown of the Orange Bowl festivities highlighting the local and national television exposure received.

R9D Discussion Regarding the Creation of a Sunset Harbour Task Force.
(Requested by Commissioner Nancy Liebman)
(Deferred from April 18, 2001)

ACTION: Deferred by Commissioner Liebman to the 6/6/2001 meeting with a morning time certain. Judy Hoanshelt to place on agenda.

R9E Discussion Regarding the Recent Court Action Involving the Save Miami Beach Charter Amendment.
(Requested by Commissioner David Dermer)
(Deferred from April 18, 2001)

ACTION: Not reached.

R9F Discussion Regarding Lincoln Road Conditions
(Requested by Commissioner Nancy Liebman)

ACTION: Deferred by Commissioner Liebman to the 6/6/2001 meeting with a time certain. Judy Hoanshelt to place on agenda.

R9F1 Discussion Regarding Vendors and Street Performers on Lincoln Road.
(Requested by Commissioner Simon Cruz)

ACTION: See action R9F.

R9G Discussion Regarding the Pump Station Project at 28th Street.
(Requested by Vice-Mayor Luis R. Garcia, Jr.)
(Deferred from April 18, 2001)

ACTION: Not Reached.

10:56 am.

R9H Discussion Regarding a Resolution Encouraging the Florida Legislature to Create an Office of Inspector General to Oversee the Miami-Dade County School System.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Discussion held. **Resolution No. 2001-24398 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Garcia; Voice vote: 7-0. R. Parcher to transmit to the Dade Delegation, Dade County Public Schools and Leslie Collier.

Chairperson of the Quality for Education Committee, Leslie Collier made a presentation.

10:58 am

R9I Discussion Regarding the Usage of School Impact Fees for Renovations/Expansions for Local Schools.
(Requested by Commissioner Jose Smith)

ACTION: Discussion Held.

Commissioner Smith commented on the use of impact fees generated in the City of Miami Beach and stated that some of the funds were to be used for the expansion of North Beach Elementary School and a Primary Learning Center for Biscayne Elementary. He stated that the Dade County Schools developed plans for these projects and requested a status report.

Mr. Larry Freeland, Miami Dade County Public Schools gave the status report. Mr. Craig Sturgeon was in the Commission Chamber.

Mayor Kasdin stated that the plans presented are a little different than what the City Commission approved. He requested meetings with the neighborhood of both schools (North Beach Elementary and Biscayne Elementary).

Referral: Commissioner Smith requested that the issue of school impact fees be referred to the Committee for Quality Education in Miami Beach. Maria Ruiz to handle. Legal Department to provide legal assistance relating to impact fees.

Handout:

1. Report dated May 16, 2001, from Miami Dade County Public Schools, Capital Construction Projects on Miami Beach, Miami Beach Senior High - A-0795 and A-0795A, North Miami Beach Elementary - A-0775, and Biscayne Elementary - A-0776. The report was prepared by the Miami Dade County Public Schools Capital Improvement Projects Staff.

- R9J Discussion Regarding the Rules and Regulations of Beachfront Concessions.
(Requested by Commissioner Jose Smith)

ACTION: Deferred by Commissioner Smith.

- R9J1 Commission Memorandum No. 331-01.

Discussion Item Related to the Recently Approved Amendment to the Rules and Regulations for Beachfront Concession Operations; (1) Prohibiting the Cooking and/or Heating of Food; (2) Prohibiting the Use of Generators and/or Combustible Fuels; (3) and Prohibiting the Use of Trucks and/or Trailers for Dispensing of Services and/or Storage of Equipment and Supplies Associated with Beachfront Concession Operations
(Asset Management)

ACTION: See action R9J.

3:28 pm.

- R9K Discussion Regarding the Housing Authority 5-Year Conversion Plan.
(Requested by Commissioner Nancy Liebman)

ACTION: Discussed in conjunction with Item C7O and R9K1. Verbal report given by Commissioner Liebman.

Commissioner Liebman reported on the meeting she attended at Rebecca Towers. This is an elderly housing apartment complex which has been in existence for 35 years. The majority of the residents are fighting to keep it an apartment house dwelling and not convert it to an Assisted Living Facility. Commissioner Liebman also explained the reason she pulled item C7O is due to the discrepancies in the report submitted by the Housing Authority.

Vice-Mayor Garcia suggested a workshop to be educated on the entire issue.

Commissioner Bower asked if a presentation of the actual program on the 5-year plan will be given.

Commissioner Smith requested an explanation from the Housing Authority regarding what the program entails and agreed to hold a workshop if needed.

Commissioner Cruz stated that the residents and the Commission need to understand exactly what the program is about. No decision should be made to change the current status until the residents understand and are able to vote intelligently.

Mayra Diaz Buttacavoli, Assistant City Manager, translated to Spanish.

Mr. Larry Schuman, Executive Director of the Housing Authority made a presentation. The Assisted Living

Facility is restricted to Rebecca Towers South for a minimum of 50 units and a maximum of 100 units. The program is totally voluntary and individuals must qualify for Assisted Living Medicaid Assistance. Mr. Schuman explained the plan and its benefits. In summary, it expands the current level of services already being delivered by various home care agencies, coordinates those efforts, establishes high quality standard and brings in another income stream to the agency to be able to sustain those services.

Mayor Kasdin expressed that tenants feel a lack of confidence in the Housing Authority's administration for not considering or listening with fairness to their needs. One method to have their voices established was to have a Tenant Council. A person was elected president but has not been able to take office because the Housing Authority will not let it. The Mayor stated he received a lengthy written complaint, signed by the tenants with very serious allegations that the Administration of the Housing Authority, including some of its members, have interfered with the tenant election and are deliberately trying to force the tenants into having their own representative. This unsolicited complaint will be send to HUD for investigation.

Residents expressed their concerns.

Commissioner Dermer sympathized with the tenants present and explained that the only jurisdiction in this matter is for the City Commission to appoint Commissioners to the Housing Authority. Once the appointment has been made, the Housing Authority becomes a separate governing body which has to represent the tenants.

Commissioner Bower requested clarification as to the differences between the assistance tenants are receiving at the present time and the assistance that they would receive through ALF.

Josie Ramirez, Consultant from MIA: The character of Rebecca Tower will not change with the change to an ALF. Most of the services provided by an ALF are now provided by Ad Hoc agencies on a per person basis. An ALF will coordinate services in a cost effective manner to taxpayers in Medicaid/Medicare dollars. Tenants will be provided three meals per day, seven days a week. There will be a case manager coordinating doctor's visits and medication management. The residents that elect to choose the plan are the only ones that will turn in their Social Security checks.

Commissioner Smith in conversation with City Attorney Murray Dubbin came to the conclusion that the Housing Authority must comply with the law and under Florida Statute it is illegal to have an ACLF in a redevelopment district.

Murray Dubbin explained that ACLF and ALF is the same according to the Florida law. There is a provision in the City Code against locating such facilities in any designated redevelopment areas for mixed use entertainment districts. Therefore, before an ALF could be imposed, it would call for a waiver or amendment of the City Code, which would then go to the Planning Board and then back to Commission.

Commissioner Liebman explained that the Housing Authority's 5 year consolidated plan needs to be judged for consistency and a determination needs to be made as to whether the ALF plan is consistent with the City's own 5 year consolidated plan and requested legal opinion on these issues.

Mr. Dubbin stated that the issue is a Certificate of Consistency. There are ALF allowed in Miami Beach and he urges the Housing Authority to put in language that says; "subject to compliance with the local law".

Charlie Burkett, Chairman of the Housing Authority, expressed his opinion. The idea of conversion was presented as a productive alternative to allow the elderly to remain in their apartments. This would be financially beneficial to the Housing Authority and a plus for residents. The issues were discussed, a study was made, which showed that there was some support, and meetings were held with the residents. However, until they have more information and support from the majority of the residents they will not go forward.

Mayor Kasdin expressed his disappointment in the Housing Authority Administration and the Housing Authority Board for the way this issue was handled. He added that it is unacceptable for the City Commission to find out about this crisis until after it has already happened.

Handout:

1. Speaker List
2. Document titled: ?Housing Authority of the City of Miami Beach - Mission Statement?. The document also contains a list of Housing Authority Projects Update.

R9K1 General Report and Update from the Housing Authority Regarding the 5-Year Plan.
(Requested by Commissioner Matti Herrera Bower)

ACTION: See action R9K.

R9L Discussion Regarding Legislation Prohibiting Anyone Involved in Election Campaign from Soliciting Contracts from the City Commission, Prohibiting ?Undisclosed Bundling? of Campaign Contribution Checks, and the Open Disclosure of Fees Paid to Lobbyists Registered in the City of Miami Beach.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Not reached.

Handout:

1. Memorandum from Commissioner Bower to Jorge M. Gonzalez, dated May 1, 2001, RE: Items for Discussion

R9M Status Report on the Long-Standing Problems of Sunset Islands I and II.
(Requested by Vice-Mayor Luis R. Garcia, Jr. & Commissioner Matti Herrera Bower)

ACTION: Not reached.

R9N Discussion Regarding an Update from the Police Department on the Issue of Prostitution.

(Requested by Commissioner Matti Herrera Bower)

ACTION: Not reached.

Handout:

1. Copy of a report prepared by the Miami Beach Police Department's Strategic Investigation Unit titled Prostitution Related Statistics 2000 - 2001

R9O Discussion Regarding Cultural Arts Economic Impact Study.

(Requested by Commissioner Nancy Liebman)

ACTION: Not reached.

R9P Discussion Regarding Extension of Nightclub Hours - Memorial Day Weekend.

(Requested by Commissioner Nancy Liebman)

ACTION: Motion made by Commissioner by Smith to extend the hours of operation for those clubs with existing City Occupational Licenses as of today and that have a 5:00 am liquor license to extend their hours of operation to 7:00 am on (Saturday, May 26), (Sunday, May 27), and (Monday, May 28) and to be allowed to serve alcohol. Any club which will remain open must notify the Police Department and Code Compliance by letter, by Monday, May 21. If there are any problems on the first or second night this action may be rescinded; Seconded by Commissioner Dermer; Voice Vote: 4-0; Absent: Mayor Kasdin, Vice-Mayor Garcia, and Commissioner Cruz. Al Childress and Chief Barreto to handle.

R10 - City Attorney Reports**R10A Notice of Closed Executive Session**

Pursuant to Section 286.011, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on May 16, 2001 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss settlement issues of the following case:

City of Miami Beach vs. American Riviera Real Estate Company. Eleventh Judicial Circuit Court Case No. 99-2418 CA06, General Jurisdiction, Case No. 98-09809 CA09.

The Following Individuals will be in Attendance: Mayor Neisen Kasdin; Members of the Commission: Matti H. Bower, Simon Cruz, David Dermer, Luis R. Garcia Jr., Nancy Liebman, and Jose Smith; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Deputy City Attorney Robert Dixon, First Assistant City Attorney Deborah Turner and Special Counsel Thomas Goldstein, Esq.

ACTION: Announced and held.

R10B Commission Memorandum No.

Discuss Possible Settlement on **City of Miami Beach vs. American Riviera Real Estate Company.** Eleventh Judicial Circuit Court Case No. 99-2418 CA06, General Jurisdiction, Case No. 98-09809 CA09.

ACTION: No action required.

R10C Added to the Agenda for reference by the City Clerk.**NOTICE OF CLOSED EXECUTIVE SESSION**

Pursuant to Section 447.605(1), Florida Statutes, a Closed Executive Session relative to Collective Bargaining will be held during the lunch recess of the City Commission meeting on May 16, 2001 with the Mayor and City Commission, City Manager, the City Manager's Representatives, and Legal Counsel. The meeting will be held in the City Manager's Large Conference Room, Fourth Floor, City Hall.

ACTION: Closed Executive Session announced and held.

Reports and Informational Items

- A Commission Memorandum No. 332-01
City Attorney's Status Report.

(City Attorney's Office)

ACTION: Written report submitted.

- B **Commission Memorandum No. 333-01**
Parking Status Report.

(Parking Department)

ACTION: Written report submitted.

- C Commission Memorandum No. 334-01
Status Report on the Collins Park Cultural Center.

(City Manager's Office)

ACTION: Written report submitted.

- D **Commission Memorandum No. 335-01**
Status Report on the Rehabilitation Project of the Existing Building and the Addition to Fire Station No. 2.
(Public Works)

ACTION: Written report submitted.

- E **Commission Memorandum No. 336-01**
Status Report on Fire Station No. 4.

(Public Works)

ACTION: Written report submitted.

- F Commission Memorandum No. 337-01
Informational Report to the Mayor and City Commission, on All Existing City Contracts for Renewal or Extensions in the Next 180 Days, Which By Their Terms or Pursuant to Change Orders Exceed \$25,000.
(Procurement)

ACTION: Written report submitted.

- G Commission Memorandum No. 338-01
Status Report from the Administration on Implementation of the Duany Plater-Zyberk Plan for North Beach.
(Planning Department)
(Deferred from April 18, 2001)

ACTION: Written report submitted.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
May 16, 2001- 10:00 a.m.**

Chairman of the Board Neisen O. Kasdin
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board David Dermer
Member of the Board Luis R. Garcia, Jr.
Member of the Board Nancy Liebman
Member of the Board Jose Smith

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL
2. OLD BUSINESS

A Redevelopment Agency Memorandum No. 01-21

(Submitted Under Separate Cover)

ACTION: Written report submitted.

- B Redevelopment Agency Memorandum No. 01-22
Anchor Shops and Parking - Monthly Report on Parking Operations, Month of March, 2001.
Christina Cuervo explained that due to the litigation, the City Attorney recommended to keep the comments brief. The project is 125 days delayed. City attorney explained that this delayed cannot be discussed in the Executive Session as suggested by Commissioner Smith.

ACTION: Written report submitted.

- C Redevelopment Agency Memorandum No. 01-23.
Status Report on South Pointe Streetscape.

ACTION: Christina Cuervo explained that due to potential litigation, the City Attorney recommended to keep the comments brief. The project is 125 days delayed.

Commissioner Smith requested to be notified when the bonding company contacts the City. Christina Cuervo to handle.

Meeting Adjourned: 8:55 pm.

End of Agenda